

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FIRST, LLC, a Delaware Limited Liability Company,

Plaintiff,

v.

TIMOTHY MCARTHUR,

Defendant.

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Civil Action No.

05-10544-JLT

[PROPOSED] ORDER ON MOTION TO CONFIRM SETTLEMENT AND ENTER
PERMANENT INJUNCTION

Upon the Verified Complaint, the affidavit of Irwin B. Schwartz, pursuant to the stipulation and agreement of plaintiff FIRST, LLC ("FIRST") and for good cause shown, the Court confirms the settlement between FIRST and defendant Timothy McArthur ("McArthur") and it is hereby **ORDERED** that:

McArthur, his officers, agents, servants, employees, attorneys, and those persons in active concert or participation with him, shall discontinue and be permanently enjoined from publishing NASCAR® 2003 Season source code or any derivative thereof, from reverse engineering, decompiling or disassembling any current or future version of FIRST software or previous, current and future versions of NASCAR® 2003, from assisting anyone in any way to reverse engineer, decompile or disassemble any current or future FIRST software or previous, current and future versions of NASCAR® 2003, and from developing a derivative work, or assisting in any way the development of any program or other mechanism to create a derivative work, of any current or future FIRST software, including current and future versions of NASCAR® 2003.

All remaining claims against McArthur in this action are hereby dismissed with prejudice.

Dated: May 10, 2005

SO ORDERED,


_____, J.